

## **Chief Justice's Remarks to the Justice Systems Budget Subcommittee**

Good morning. Thank you for holding this hearing in our building. We're a little crowded today because of all of the visitors, but we'll spend part of this hearing in our adjacent auditorium where we'll have a bit more room.

This morning we are joined by a number of special guests who are officers of the state's major lawyer organizations. We asked them to attend today's presentation so they could learn more about the judicial branch budget and how it may be affected by the present fiscal situation.

As those of you who have been on this committee for some time know, the chief justice does not ordinarily appear before you to present the judicial branch budget. And to an extent that is the situation today. State Court Administrator David Boyd will make our budget presentation. However I wanted to make some preliminary remarks to put today's discussion in perspective.

Undoubtedly our state faces a dire situation that may linger for several years or more. But my hope as the chief justice and as a citizen is that we not focus so much on getting our fiscal house in order that we weaken those programs and services that are absolutely essential to our first duty to the people — to maintain the fundamental functions of a democratic government.

Something I said to you in my state of the judiciary address bears repeating here:

“There are some things that only government can do—and these things it must do well. . . . The determination of guilt and innocence, property rights and parental rights, and legal privileges and power are judgments only government can make. . . . If we neglect this fundamental obligation to the people, we break trust with them, and ultimately, lose their confidence. And for government, public trust and confidence is everything. . . . We must ensure the fundamentals of governing our state, including the administration of justice, are strong, especially in tough times such as these.”

Without question most of the institutions this subcommittee oversees are indispensable to the operation of our government because they are essential for ensuring public order and safety and to maintain a society governed by the rule of law. For this reason, I am encouraged by the governor's funding recommendations for justice systems. But we all know that these recommendations may not stick. Some or all of the entities within this budget group will likely be cut more. So today I urge you to do everything in your

power to convince your caucuses to make each justice system entity a funding priority, including the Judicial Branch.

The time has come to make some hard choices about funding programs and expenses that people *want* and those that people *need*. These decisions may appear to be tough calls on the surface because many institutions of government can make a case for why their work is important to Iowans. But how many can claim their work is indispensable to the function of governing, and by the function of governing I mean the reasons we have government in the first place? Certainly expenses for recreational trails, historical exhibits, cultural performances, entertainment venues, historic preservation projects and library enhancements enrich the quality of life in our communities. I have no doubt that Iowans like these types of programs. But are these expenses as fundamental and critical as ensuring civil justice, social order and public safety? No, they are not. They are, I'm sorry to say, frills we probably cannot afford as we face a situation that is being called the worst financial crisis since the depression.

I am not suggesting that the judicial branch cannot reduce any expenses without jeopardizing its ability to fulfill its constitutional mandate. However, the judicial branch runs a tight ship. Under our present level of funding we are barely able to meet the public's demands for court services. We can reduce our expenses by a million here and a half of million there, but let there be no mistake, even these cuts will require significant changes in our operations that will directly impact our service to Iowans. We serve the same constituents you do, and it is for their sake that I urge you to advocate for funding the fundamentals, even if it means sacrificing the frills.

Thank you for the opportunity to address you. I'll turn the floor over to David now, but will be available throughout our presentation to answer any questions you might have.